

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David B. Wallace

Serial No: 09/167,379

Examiner: Hartman Jr., R.

Filed: 10/06/1998

Group Art Unit: 2786



For: BULK INVENTORY NETWORK SYSTEM (BINS)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

AFFIDAVIT OF STEVEN G. LOWRY

RECEIVED

MAR 20 2001

Technology Center 2

I, STEVEN G. LOWRY, state as follows:

1. All of the events outlined below occurred in the United States of America
2. On or about December, 1997, I was approached by Dave Wallace regarding the implementation of his system for monitoring a dry bulk material quantity at a remote site that included a detector for producing a first output signal corresponding to an existing material quantity; a remote telemetry unit for receiving the first output signal from the detector and producing a second output signal corresponding to the first output signal; and a computer coupled to the remote telemetry unit for receiving the second output signal from the remote telemetry unit. The computer would include software for determining the existing material quantity and a projected usage rate for the existing material quantity based on the second output signal.
3. On or about January 30, 1998, I met with Dave Wallace to discuss the existing implementation of his invention at Pennsylvania Steel Technologies (the PST project) and to review with him the various problems that had been encountered during his attempt to implement a

Docket No.: 282501-0002 (D4865-00001)

BEST AVAILABLE COPY

working embodiment of the invention. I also was provided with examples of the software (Lookout) and manual for my review.

4. On or about April 13, 1998, I provided Dave Wallace with an engineering report outlining my recommendations for the correction and proper implementation of Dave's bulk inventory networking system invention at PST in Steelton, Pennsylvania, Nucor, Inc., of Darlington, South Carolina, and at New Jersey Steel.
5. Between May 1, 1998 and September, 1998, I undertook to implement my recommendations for operation of Dave Wallace's invention as outlined in my report of April 13, 1998, at the PST project, the Nucor, South Carolina location, and at New Jersey Steel.
6. For example, during the months of February and March, 1998, I reviewed the existing implementation of Dave Wallace's invention at the three sites, the hardware and software associated with those implementations, and the various problems related to both software and hardware that had occurred at the PST project during the previous twelve months.
7. During the month of May, 1998, I became more intimately involved with the three experimental installations at PST, Nucor, and New Jersey Steel. I also worked to upgrade the Lookout software, the remote telemetry units, and the interface between these devices and the detectors and central computer.
8. During the months of June and July 1998, I continued to implement the plan outlined in my April 13, 1998 report. I also worked on enhancing the Lookout programming and upgrading the remote telemetry unit for the Nucor site.
9. During the months of August and September 1998, I installed the updated version of the Lookout software and directed the installation of the redesigned remote telemetry unit at the New Jersey Steel and Nucor installations.

10. On September 19, 1998, the implementation of Dave Wallace's invention at the Nucor, South Carolina facility fully functioned according to his express expectations as conceived prior to April 22, 1996.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, Section 1001, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Date: 3/6/2001 Steven G. Lowry
Steven G. Lowry

HBG\69626.1